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**To:** Microsoft ATR  
**Date:** 1/23/02 12:34pm  
**Subject:** Microsoft Settlement

In the Proposed Final Judgement Section VI: Definitions, several definitions allow Microsoft too great a latitude to continue its monopolistic practices.

Definition K: "Microsoft Middleware Product"  
Definition K defines "Microsoft Middleware Product" to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

In total, Definition K is too narrow. The Findings of Fact ( 28) define "middleware" to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. The definitions used in the Final Judgement should reflect common usage and be consistent with the Findings of Fact.

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